

**BOARD OF SELECTMEN MINUTES
JANUARY 3, 2010**

Chairman George Infanti called the meeting to order at 6:32 p.m. Selectmen present: Dwight Brew, James O'Mara, Thomas Grella and Bruce Bowler. Also present: Town Administrator Gary MacGuire and Executive Assistant.

Public Hearings Regarding Community Development Block Grant

Mr. Infanti stepped down and Vice Chairman Bowler chaired. *Mr. Brew moved to open the public hearing, second by Mr. Grella. Vote: Unanimous.*

Mr. Bowler advised that Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate income persons. The Town of Amherst is eligible to apply for \$500,000 each calendar year for public facility/housing rehabilitation, and economic development projects, as well as emergency funds. Feasibility Study funds are available for up to \$12,000 per year.

Robert Tourigny, NeighborWorks Greater Manchester introduced Joia Hughes, Consultant for the project. He explained that the Town of Amherst was applying for a Community Development Block Grant in order to build a development of affordable rental housing containing 28 units at 104 Amherst Street for people that earn less than 60% of the area's median income. Amherst has approximately 90% owner occupied housing stock and only 8% is rental housing. He noted that the housing stock that does exist in the community was not affordable compared to the region. The purpose of the development was to make housing affordable for folks who work in the community. The CDBG funds average up to \$500,000 and one of the uses is to provide affordable workforce housing. Hidden Pond was designed by Rolf Biggers of BMA. The CDBG grant was about 7% of the total project cost of \$6,000,000. The units were affordable for people earning \$45-54,000 and rent less than \$1,000 per month plus utilities. They did not expect any costs to the Town and \$25,000 would be kept by the Town to provide for a Consultant, any financial audits and advertisements. He noted that Joia had prepared the draft documents. Mrs. Hughes advised that they were having three separate consecutive public hearings that evening.

Mr. Bowler asked for any comments or questions from the audience.

Sally Wilkins, Green Road and member of the Planning Board, commented that this was the type of development the Planning Board had encouraged over the years. Their plan to have a management company manage Hidden Pond was a good idea and she urged the Selectmen to approve the grant application.

Marilyn Peterman, Amherst Street and also a member of the Planning Board, reiterated that these types of projects were the kinds of projects that the Planning Board had encouraged. There were already affordable projects in Town and what makes this one different was that this one will be managed. The Planning Board has approved this project, they had also gone to the Historic District Commission and received their approval as well. It was located on a major road in Amherst and not too far from Milford if people needed to shop. She also encouraged the Selectmen to move forward with an approval.

Susan Manchester, 23 Nathan Lord remarked that she moved to Amherst 13 years ago because of its diversity. When she came to Town the housing stock was more moderate. She noted that the Town was not embarrassed to have high taxes and good schools, it does include affordable housing and she remarked that this development will be paying real estate taxes. She spoke of the three entities that would

be involved that will be adequate partners. There will be no risk to the Town and she commented that these projects don't fail. She hoped the Selectmen didn't disappoint her. She mentioned that if they didn't have diversity they never learn tolerance.

Rich Hart, Christian Hill Road and a member of the Planning Board felt it was in the Town's best interest to support this proposal. There was no cost with the exception of "moving a little bit of paperwork" around. This was the type of project that had worked for several years that meets the Town's Zoning Ordinance and in a way, they were a leader in workforce housing. He thought their laws were one of the first in the State and they had been updated last year to coincide with the State's requirements. This was a project they would like to have in the Town of Amherst.

Mike Dell Orfano, Mack Hill and also a member of the Planning Board knew of the inventory and the deficit that the Town has in workforce housing, recommended that the Board move forward on this project because the development was in a suitable location. They had taken time to build in the amenities that were important in the Master Plan and meeting architectural standards with five buildings and 28 units. To get this inventory would put them in good standing with the State statute.

James Ramsay, Foundry Street and Chairman of the HDC explained that the Commission worked with the developers and the design team for a number of months and they had responded with their concerns and mutual objectives have been realized throughout the design development.

Lorraine Jost, Parkhurst Place, mentioned that she may have a unique perspective and spoke highly of Stewart Management, the company that will manage Hidden Pond who also manages Parkhurst Place.

Carolyn Mitchell, Boston Post Road, told the Board that she also works for Steward Management and that they always are completely on top of everything and that they manage properties all over New England. She couldn't recommend them enough, as they have total integrity.

Mr. O'Mara moved to close the public hearing at 6:51 p.m., second by Mr. Brew. Vote: Unanimous.

Mr. Brew moved to open the second public hearing at 6:51 p.m., second by Mr. Grella. Vote: Unanimous. The purpose of the public hearing was to review and adopt the Town's Housing and Community Development Plan.

Mrs. Hughes advised that they were asking the Town to accept a "Housing and Community Development Plan – 2011" which was a template used by both the State and Federal Government and requires both short and long term benefits. She spoke of the various goals and objectives listed in the plan and if they met with the Board's satisfaction, she asked that they be adopted.

Mr. Brew noted he was familiar with the over all program, and was comfortable voting on the first part that night, but because he hadn't read the second and third policy, he would not be comfortable voting on them. He asked if there was a timeframe. Mrs. Hughes indicated it had to be prior to January 31 along with 12 days notice again. Mr. Brew remarked that it would have been useful if this information had been given to the Board prior to the public hearing. Both Mr. Tourigny and Mrs. Hughes gave their thoughts on the plan's goals and objectives. Mrs. Wilkins and Mrs. Peterman spoke about the similarities of this plan and the Town's housing ordinances and regulations. Mr. Brew indicated that they hadn't read the plan and he hadn't either and everyone was saying this applies to a particular project and this was not his "read" on it. He told Mrs. Peterman that he didn't know if he had an issue, but was frustrated that they were asked to adopt two policies with no heads up and only to this type of project.

Mr. O'Mara asked Mr. Tourigny that if in the motion to adopt these policies could they be restricted to Hidden Pond or would this compromise them. If they do it once, was it good for three years. Mr. Tourigny indicated that this was put in place to protect the Town as a planning instrument to make sure that they, the developers, do the right thing for the Town. Mrs. Hughes added that some communities apply every year. Mr. Tourigny mentioned that if it would help the Town with this specific project, it would be fine with them. For clarification, Mr. Brew told Mr. Dell Orfano that he wasn't saying he had an issue with the plan, but that he didn't have a chance to read it and didn't want to obligate something to the Town without reading it first.

Mr. O'Mara moved to close the public hearing at 7:08 p.m., second by Mr. Grella. Vote: Unanimous.

Mr. Grella moved to open the third public hearing at 7:08 p.m., second by Mr. Bowler. Vote: Unanimous. The purpose of the public hearing was to review and adopt the Town's Residential Anti-Displacement and Relocation Assistance Plan.

Mr. Tourigny told the Board that the project doesn't involve any anti-displacement or relocation of persons (or businesses) because they weren't doing it, but putting the plan forth per the CDBG Guidelines.

There was no public discussion.

Mr. Grella moved to close the third public hearing at 7:09 p.m., second by Mr. Bowler. Vote: Unanimous.

Mr. O'Mara moved that the Town of Amherst submit an application for a CDBG Grant up to \$500,000 for the project known as Hidden Pond, second by Mr. Brew. Discussion: Mr. Tourigny explained to Mr. Grella that the developers pay all the fees and expenses associated with the project. He also told him that the Town will never have any liability for the performance or the project itself. At the completion of the project, there is a third party audit and once this was done, there is no liability and the audit is paid for by the grant. ***Mr. O'Mara amended his motion to authorize the acting Chair to sign the application documents, second by Mr. Brew. Vote: Unanimous.***

Mr. O'Mara moved that they adopt the Town of Amherst Housing and Community Development Plan for Hidden Pond, second by Mr. Grella. Vote: 3-0-1, Mr. Brew abstained.

Mr. O'Mara moved to adopt the Town of Amherst Residential Anti-Displacement and Relocation Assistance Plan for the project at Hidden Pond, second by Mr. Grella. Vote: 3-0-1, Mr. Brew abstained.

Mr. Tourigny thanked the Board and mentioned he was looking forward to working with the Town on this project.

The Board took a brief recess at 7:12 p.m. and resumed their meeting at 7:20 p.m. when Mr. Infanti returned as Chair.

Citizens' Forum

There were no comments, concerns or questions from the audience.

Budget & Warrant Article Discussion

Mr. MacGuire advised that the Board adopted a budget last week of \$10,283,456 and the Department Heads' mission was to put those numbers into the budget. He advised that the Board made a motion to add \$4,000 back into the Recreation budget, but those funds had never been taken out – it was a suggestion made by the Recreation Director and adding in those funds was in error. Within the Library budget, the number that was in Dwight's spreadsheet, that the Trustees worked on separately was approximately \$10,000 +/- with steps already in the budget, however, they added them in again. The total that didn't need to be in the budget last week was \$12,568. The Departments came up with an additional \$1319 decrease, leaving the current budget at \$10,269,569. He advised that unfortunately they had other numbers going the other way. They based a lot of this on a bare bones budget they created. In their haste to do this, they made mistakes and found two that needed the Board's decision. In Fire, they made an adjustment to the Fire Chief's salary wage line of \$7443. He noted that this would be in a default budget. It also should have been in their first computation. In DPW, there is a contractual obligation totaling \$22,557 for Pennichuck hydrant charge increase and would also be in the default budget. The difference with the two new numbers v. the offsets from the Library and Recreation was \$16,111.

Mr. MacGuire brought this to the Board's attention and asked if they should go forward with a budget \$13-14,000 less based on the reductions or to include the two oversights totaling \$30,000 or were they fine with the budget figure they had last week of \$10,283,456. ***Mr. O'Mara moved that the proposed FY12 budget be in the amount of \$10,299,570 which was an increase of \$508,925 over last year's adopted budget for 5.52%. The motion is to take everything the Town Administrator discussed both the credits and the applications, second by Mr. Brew. Vote: Unanimous.***

Mr. Infanti thanked Gary, the Library Trustees and the Fire Chief for pointing this out. He appreciated this being brought up to them.

W&M: Chairman Jack Kunkel noted they have a charge to make recommendations to the voters. Last week they felt they could not unanimously recommend the budget to the citizens. After talking last year and this year how seriously underfunded the Town's budget was, as well as the damage it has done, given the \$15,000,000 road bond, at some point, they have to protect the Town and core Departments. In addition, one thing they considered and part of the increase was that this year they had only half a summer of road construction and this coming year, they will have a full summer, as well as the bridges and next year they will be having the same discussion. At some point, the Town has to step up and cover its services and fund what the Town really needs.

David Chen mentioned that when he printed out the spreadsheet he forgot to print out the Department names. W&M suggested bottom line was \$10,505,441. Mr. Kunkel indicated that most of them will recognize the numbers on the proposed budget created by them v. the Selectmen's proposed budget. They looked at some of the Departments as a whole, such as all of Bruce Berry's budgets and all of the Administration budgets. Some were small; however, they looked at cuts in a larger context. One of their biggest concerns was having a severely impact on the road maintenance budget over a number of years. Mr. Chen spoke on the subject, indicating that they were adding miles of roads that have to be totally rebuilt instead of going the other way around. Their recommendation is that they need to take a stronger stand. He mentioned W&M proposed budget was in front of the Selectmen. Some areas were pretty close in comparison to others. A statement was made about PMEC being half way funded, therefore, they reduced it by \$10,000. They discussed taking funds from Recreation in order to fund Fire. They were recommending \$208,000 more for DPW than the Selectmen's proposal of \$3,850,538. They would fully fund Police and EMS. They took \$1,000 away from Emergency Management and some away from the Communications Center. Basically, they wanted to fund more road maintenance and this was where they were losing the battle and more money. Besides a slide showing the comparison of W&M proposed

budget v. the Selectmen's budget, W&M prepared a slide showing the Annual Tax Impact on a home's value in the range of \$250,000 up to \$450,000 to W&M's proposed budget on each value.

Mr. Infanti acknowledged the Committee for all the work and research they have done this year. He noted that obviously they were miles apart and he would love to have people say let's do what Ways & Means wants. He did not believe anyone of the Selectmen would disagree that the needs were there. He knew that the Board has allocated what was doable for this year. Mr. Brew agreed with what George said. He thought all five members of the Board agreed that this was not where they need to be. The difference was the way they get there. He felt the right approach, especially in this situation they were in today, was to go and layout a multi-year plan. What seemed to be lost was that the Selectmen were increasing the budget to DPW and Fire. In DPW, they were adding more in the bare bones budget. The difference was overall, how long of a time it will take them to get there.

Mr. O'Mara agreed with Dwight and in reality he was trying to meet the Town's need over three years and for the most he concurred. When they add bare bones, they were at approximately 3.2%, then added funds to get them to 5% and then went back to redistribute funds back to the Departments. As a result it accelerated into a two-year plan rather than a three-year plan. They were looking at a 5.2% increase and remain consistent. He appreciated all of the areas W&M came up with and unfortunately, the Selectmen were the ones that had to allocate funds for the default budget. He noted that Recreation and PMEC were funded only with steps over last year and PMEC was level funded and he talked briefly about their \$25,000. He also remarked that he appreciated W&M's work.

Mr. Bowler agreed with the recommendations, however, if they ended up with a default budget they would be in worse shape than they were at 5.2%. The Board, W&M members and Town Administrator continued a lengthy discussion pertaining to costs associated with the Departments, goals, revenues and Town needs. Mr. Infanti appreciated the time W&M and the Selectmen had put into their recommendations. They had tried to address the basic needs of each Department and at the same time think about the taxpayers. He didn't think anyone disagreed with W&M on what all the Departments need, but they needed to be realistic about what they can afford this year. People, at the Deliberative Session, may want to support W&M's recommendation. However, what concerned him was that only 130 people or so attend the Deliberative Session out of perhaps 7,000 voters. Mr. O'Mara remarked that the 5.2% was not adequate to meet the needs that they all were in agreement with, but it was the least impact to take them in this direction and they may be able to move forward an inch each year. W&M's recommendation would get them there a little bit faster than Dwight's recommendation. He suggested they look at it as a multi-year date and give them time to work to educate people. If they do this over the next 2-3 years, this may be where they want to be.

Mr. MacGuire told Liz Overholt that in order to have a default budget, they needed to have budget numbers from last week to this week and were pretty close. He did not want to go public until they have an exact number and Merri will be working on it this week. A question had been raised earlier, and after research, Mrs. Howe advised they had \$292,000 in surplus out of which \$250,000 was reserved for the Recreation Facilities Warrant Article – the residual was \$42,000. Mr. Bowler added that this was what they had left in the budget and thought this was pretty good budgeting. Nancy McMillan told Mr. Brew that this warrant article was passed for funding of their car lease program, but they no longer were doing this. It also was never their intent to access it from surplus, but access it from the car lease program. Mr. MacGuire advised Mr. Kunkel that there was no money, it was a paper allocation.

Regarding warrant articles: Mr. O'Mara noted that when they discussed a warrant article from Recreation from the LUCT fund, he believed he had said \$150,000, when it should have been \$250,000.

Mr. MacGuire had nothing different to report, other than as he stated last week, he would be meeting on Tuesday afternoon with Attorney Drescher for warrant article language. It was his plan for next week to have the actual legal language blessed by Counsel and the Board can make decisions if they want to remove articles or not. As it stood, there were no changes from what they had seen 2-3 weeks ago.

Mr. Eiche suggested that the lease/purchase for the Fire Truck be for four years rather than three. Chief Boynton told him that this could be deferred, but it would cost them \$20,000 in interest and it takes a year to build. He had simply looked at what was appropriated last year at \$150,000 and had been consistent for several years. The warrant article is for a lease/purchase and a three-year lease agreement. Mr. Brew noted that they have a budget at 5.5% and then another 4% for the mosquitoes. By not appropriating the \$150,000 that number comes down, but causes more problems the year after plus spending the extra \$20,000.

Charlene Carper asked if there was a report on the mosquitoes. Health Officer Brian Gleason advised the State report should have been out the last week in December and legally it has to be posted on the States DES website.

The Board took a five minute recess at 8:26 p.m. and resumed the meeting at 8:31 p.m.

Accept Unanticipated Funds

Mr. O'Mara moved to accept \$110.81 from the State of New Hampshire as unanticipated revenue associated with the Town Hall Safety Project, second by Mr. Grella. Vote: Unanimous.

Abatements

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for M/L 4-47-1-21 in the amount of \$364.54, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for M/L 4-47-1-5 in the amount of \$14.34, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for M/L 5-171-5 in the amount of \$249.86, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for M/L 6-115-14 in the amount of \$30.72, second by Mr. Grella. Vote: Unanimous.*

After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for M/L 1-23-3 in the amount of \$1918-98, second by Mr. Grella. Vote: Unanimous.*

Minutes

Mr. Bowler moved to approve the minutes of December 27, 2010, second by Mr. Grella amended as follows: Lines 165-166 – Strike “This was 33% and”; Line 348 – Strike “to fairly distribute the amounts” Replace with “that the costs were not apportioned”. Vote: Unanimous.

Other Business

Mr. O'Mara reported he would be attending the Community Resilience Meeting at the Brick School and will get some information back to the Board.

Mr. Infanti reported he will be attending a Planning Board Meeting on Wednesday and was sure there will be some controversy on a new ordinance pertaining to agriculture.

Non-Public Meeting

Mr. Brew moved to go into non-public session at 8:44 p.m., second by Mr. Grella under RSA 91-A:3 II (a). Roll call vote: Mr. Bowler – yes; Mr. Grella – yes; Mr. Infanti – yes; Mr. O’Mara – yes; Mr. Brew – yes.

While in non-public session, the Board discussed a personnel matter with no motions made nor any votes taken.

A motion was made to re-enter public session at 9:00 p.m. by Mr. Bowler, second by Mr. Grella. Roll call vote: Mr. Bowler – yes; Mr. Grella – yes; Mr. Infanti – yes; Mr. O’Mara – yes; Mr. Brew – yes.

Mr. Brew made a motion to adjourn the meeting at 9:01 p.m., second by Mr. O’Mara. Vote: Unanimous.

Respectfully submitted,

Sharon L. Frydlo
Executive Assistant